

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

PATRICIA KAMMEYER, et al.	:	CASE NO.: C-1-01-649
Plaintiffs,	:	Judge Spiegel
vs.	:	(Magistrate Black)
CITY OF SHARONVILLE, OHIO, et al.	:	
Defendants.	:	

**JOINT MEMORANDUM OF DEFENDANTS IN OPPOSITION TO PLAINTIFFS'
MOTION PURSUANT TO RULE 56(f) TO PERMIT DISCOVERY
BEFORE A RULING ON SUMMARY JUDGMENT**

Defendants acknowledge that, where appropriate, a Court should permit a party to conduct discovery before that party is required to respond to a motion for summary judgment. However, this is *not* one of those times. First, Plaintiffs have already had over three years since this action was commenced to conduct discovery. Second, even prior to filing this lawsuit Plaintiffs investigated their claims for 20 years. That investigation included a complete review of murder investigation file of the City of Sharonville in 1997. Third and most important, *none* of the discovery Plaintiffs intend to conduct will have any bearing on the issue of whether their claims are barred by the statutes of limitations. Indeed, other than making the incorrect and conclusory statement that they need to conduct additional discovery, Plaintiffs have made absolutely no showing to support this assertion. For these reasons, the motion should be denied.

Respectfully submitted,

s/Brian E. Hurley

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CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2004, a copy of the forgoing was filed electronically. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Brian E. Hurley

Brian E. Hurley